

DIST/OFFICE	YR.	NUMBER	MO.	DAY	YEAR	J	N/S	O	R	23	\$	88	OTHER	NUMBER	DEM.	YR.	NUMBER
1085/4	76	0591	11	22	76	4	380	1	31					8510		76	0591-C

PLAINTIFFS

DEFENDANTS

CONCORDIA DEVELOPMENT COMPANY,
INC., a subsidiary of TRAMMELL
CROW-AGRI COMPANY

~~HAROLD CLARK, a/k/a HAROLD
CLARK MACHINERY & CONSTRUCTION
COMPANY~~

CLARK EQUIPMENT & CONSTRUCTION
COMPANY, INC., a/k/a HAROLD CLARK
MACHINERY & CONSTRUCTION COMPANY,
an Oklahoma Corporation

The Hartford Insurance Group
(garnishee)

CAUSE

Tort action for property damage.

Whitten, McDaniel, Osmond,
Goree and Davies

ATTORNEYS

Leslie V. Williams
Dale F. McDaniel

410 City Plaza West, 5310 E. 31st St.
Tulsa, OK 74135
749-7771 664-1015

Ronald B. Stockwell
600 First National Bank Bldg.
P. O. Box 1245
Miami, OK 74354
918-542-3306

Dan A. Rogers (garnishee)
117 E. 5th St.
Tulsa 583-5111

☐ CHECK
HERE
IF CASE WAS
FILED IN
FORMA
PAUPERIS

FILING FEES PAID

DATE	RECEIPT NUMBER	C.D. NUMBER

STATISTICAL CARDS

CARD DATE MAILED
JS-5 12-1-76(11-1-79)
JS-6 5-1-78(3-1-80)

DATE	NR.	PROCEEDINGS
<u>1976</u>		
11-22	1.	Complaint, filed. Summons, issued. ph
12-7	--	Summons, ret & filed: Unable to serve Harold Clark. ph (USM \$26.04)
<u>1977</u>		
2-18	--	Alias Summons issued. ph
3-2		Alias Summons, ret. & filed: served Harold Clark by serving his Aunt, 9 mi. east of Tonganoxie, Ks., 2-25-77. (USM \$8.32)g
3-16	2.	Deft's motion to dismiss, filed. ph
3-16	3.	Deft's brief in support of mo/dismiss, filed. ph
3-16	MO:	It is ordered by the Court that the pltf. file a resp. brief within 10 days to the deft's motion to dismiss. (HDC-J)ph ltr mld
4-5	4.	Response of pltf. to def. mo/dismiss, filed. rm
4-5	5.	Brief in support of response to def. mo/dismiss, filed. rm
4-5	6.	Application of pltf. to amend service of process and to amend complaint, filed. rm
4-5	7.	Brief in support of appl. to amend, filed. rm
4-6	MO:	Ordered by the Court that def. is granted 10 days to respond to pltf. application to amend service of process and amend complaint.(HDC-J)rm-ltr
4-20	8.	Deft's brief in resp. to appl. of pltf. to amend service of process and to amend complaint, filed, w/leave granted to file out of time. (HDC-J)ph
5-24	9.	Order, filed, granting pltf. appl. to amend complaint within 10 days from this date.(HDC-J)rm-copies mailed
5-24	MO:	Ordered by the Court that deft.'s motion to dismiss is held in abeyance pending the filing of pltf. amended complaint.(HDC-J)rm-letter
6-1	10.	Pltf's amended complaint, filed. ph
6-22	11.	Deft's motion to dismiss pltf's amended complaint, filed. ph
6-22	12.	Deft's brief in support of motion to dismiss pltf's amended complaint, filed. ph
6-22	13.	Affidavit of Harold Clark, filed. ph
6-22	MO:	It is ordered by the Court that the pltf. file a resp. brief to deft's Motion to dismiss pltf's amended complaint. (HDC-J)ph ltr mld
7-6	14.	Pltf's resp. to deft's motion to dismiss w/brief., filed. ph
7-22	15.	Order, filed, that action will be dismissed if within 20 days the pltf. has not properly served deft. or suppl. the record in such way to sustain burden of proving that service has utilized meets req. of Rule 4 FRCP. The remainder of deft's mo/dismiss will be held in abeyance pending resolution of the issue of service of process. (HDC-J)ph cps mld
8-4		Alias Summons issued. ho
8-4	16	Pltf. first interrog. to Deft. fld. ho
8-4	17	Pltf. appl. for ext. of time to comply with Ct. order of 7-21-77. fld. ho 0 to J.
8-4	18	Pltf. brief in supp. of appl. for ext. of time. fld. ho
8-4-	19.	Order, filed, granting pltf. ext. of time to comply with Court's order until 9-22-77. (HDC-J)jj copies to movant.
9-6	--	Alias Summons, ret & filed: Served Harold Clark at Bashor, Kansas on 8-17-77. (USM \$12.16)ph
11-2	20.	Pltf's motion for default judgment, filed. ph
11-2	21.	Brief in support of mo/default judgment, filed. ph
11-3	MO:	Case set for hrg. on pltf's mo/def. judgment 11-11-77 at 9:00 a.m.(HDC-J)hm (notices mailed)

CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF		DEFENDANT	DOCKET NO. <u>76-C-591-C</u>
CONCORDIA DEVELOPMENT CO.		HAROLD CLARK, etc.	PAGE <u>3</u> OF <u>2</u> PAGES
DATE	NR.	PROCEEDINGS	
11-11-77	MO:	Case called for hearing on pltf's mo/def. judgment. Statements made. Deft. granted 10 days to file ans.; mo/def. held in abeyance pending filing of ans. & if ans. is filed within 10 days, mo/def. will be overruled; if not, it will be granted. Deft. granted 10 days to respond to interrogatories. Deft. withdraws all pending motions (mo/dismiss & mo/dismiss amended complaint). (HDC-J)hm	
11-21	22.	Ans. of deft. to amended complaint, filed. ph	
11-23	MO:	Ordered that upon the filing of the answer to the amended complaint, the mo/def. judgment is overruled. (HDC-J)hm (letter to parties)	
11-30	23.	Pltf's motion to strike and brief, filed. ph	
12-6	24.	Deft's answers to pltf's interrog., filed. hm (w/leave granted) (HDC-J)hm	
12-9	MO:	Ordered that the pltf's motion to strike is overruled as being moot. (HDC-J)hm (letter to parties)	
1-3-78	MO:	Case set for PT hrg. 3-7-78 at 10:00 a.m.; disc. to be complete by 2-24; PT memo or order to be filed by 2-28. (HDC-J)hm	
1-10	MO:	Case set for N/J trial 4-3-78 at 9:30 a.m.; trial briefs & sugg. F/F & C/L due 3-24-78. (HDC-J)hm	
2-8	25	Joint appl. to amend, fld. 0 as part of appl. to J. ho	
2-9	26.	Order, filed, that pleadings be amended to show the name of Clark Equipment & Construction Company, Inc., a/k/a Harold Clark Machinery & Construction Co., an Okla. Corp. as proper party deft.; further that the deft., Harold Clark d/b/a Harold Clark Machinery & Const. Co. be stricken as deft. (HDC-J)ph cps to parties	
2-14	27.	Pltf's motion for SJ, filed. ph w/affidavit of Loss of Bill Schoppe, and Trooper D. Pocheco.	
2-14	28.	Brief in support of the mo/SJ, filed. ph	
2-14	MO:	Ordered by the Court that deft. file a resp. brief within 10 days to pltf's motion for SJ. (HDC-J)ph ltr mld	
2-22	29.	Deft's motion for ext of time to file resp. to pltf's mo/SJ, filed. ph (O to be in)	
2-22	30.	Affidavit of Ronald B. Stockwell, filed. ph	
2-22	MO:	CASE RESET FOR PT HRG. 3-6-78 at 10:00 a.m. (HDC-J)hm	
2-27	31.	Order, filed, that deft. is granted until 3-6-78 to resp. to pltf's mo/SJ. (HDC-J)ph cps mld	
2-27	32.	Joint appl. for continuance to complete discovery and pass the pre-trial conference, filed. ph (O to J)	
2-27	33.	Order, filed, that parties are granted addl. 24 days to complete discovery and pt conf. is reset for 3/31/78 at 9 a.m. (HDC-J)rm-copies	
3-6	34.	Deft's mo/ext of time to file resp. to pltf's mo/SJ, filed. ph (O to J)	
3-6	--	Deposition of Jerry Truelove taken on 3-2-78 at Tulsa, OK. (R.E. Potts CSR)ph (\$31.50 pd by pltf.)	

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CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF		DEFENDANT	DOCKET NO. <u>76-C-591</u> -C
CONCORDIA DEVELOPMENT, et al		HAROLD CLARK, et al	PAGE <u>4</u> OF <u>2</u> PAGES
DATE	NR.	PROCEEDINGS	
<u>1978</u>			
3-6	35.	Order granting deflt. until 3-16-78 to resp. to pltf's mo/SJ, filed. (HDC-J)ph cps mld	
3-6	36.	Attorney's affidavit, filed. ph	
3-9	--	Deposition of Harold Clark taken on 1-27-78, filed. (M.Shilling-CSR)ph (\$69.00 pd by pltf)	
3-13	MO:	<u>CASE RESET FOR PRE-TRIAL HRG.3-24-78 at 9:30 A.M.</u> (HDC-J)hm(ntc. mld.)	
3-17	37.	Deft's resp. to motion for S/J, filed. ph	
3-20	38.	Pltf's brief in reply to deflt's resp., filed. ph	
3-22	39.	Pltf's proposed PT order, filed. ph	
3-24	MO:	PRE-trial hrg. held. Statements made. Pltf's motion for S/J sustained, deflt. having conceded. Judgment entered for pltf. in amt. of \$87,800 plus int. Counsel for pltf. to prepare formal judgment. (HDC-J)hm	
4-4	40.	Journal entry of judgment, filed and entered, that pltf. mo/SJ is sustained and pltf. is granted judg. against def. in the amt. of \$87,800, w/int. & costs, for which let execution issued.(HDC-J)rm copies mailed	
6-1	41.	Affidavit for garnishment, filed. (Summons issued)hm	
6-12	42.	Appl. of deflt.-garnishee, Hartford Ins. for ext. of tine to answer garnishment affidavit, filed. rm (0)	
6-13	43.	Order, filed, granting garnishee to 7/2/78 to answer affidavit.(HDC-J)rm-copies to movant	
6-27	44.	Answer of deflt. Garnishee, Hartford, filed. rm	
9-5	--	Ret. of service of garnishee summons, fld. Served Hartford Ins. Group by serving Ins. Commissioner Gerald Grimes by cert. mail on 6-6-78.ra	
2-20-79	45	Motion for Summary Judgement of deflt-garnishee Hartford Insurance Group,fld.ra	
2-20-79	46	Brief in support of deflt-garnishee Hartford Insurance Group's mot/S.J.,fld.ra	
2-20-79	MO:	Ordered that pltf and deflt file a resp. brief on or before 3-5-79 to mot/S.J. of deflt-garnishee Hartford Insurance.(HDC-J)ra cps mld	
2-26	47	Pltf's applic/ext. of time to answer mot/S.J.,fld.ra (0)	
3-2	48	Order,fld,that pltf have until 3-25-79 to resp. to deflt-garnishee's mot/S.J.(HDC-J)ra cps to mvt	
3-21	49	Pltf's mot/SJ, filed.k	
3-21	50	Brief in support of pltf's mot/SJ w/ affidavit of Harold Clark, fld.k	
3-21	MO	Deft. is ordered to file a responsive brief by 4-3-79 to pltf's mot/SJ. (HDC-J)k cps mld <i>3-23 handwritten deflt to resp instead of a k</i>	
3-23	51	Pltf's Response to Defts' Motion for summary judgment,fld. b	
3-27	52	Defts. response to Pltfs. mot. for S/J, fld. ho	
4-5	53	Deft-garnishee Hartford's brief in oppos. to pltf's mot/S.J.,fld.ra	
4-27	54	Pltf's response to defts' brief in oppos to Pltf's mot/S/J,fld. b	

DC 111A
(Rev. 1/75)

CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF CONCORDIA DEVELOPMENT CO.	DEFENDANT CLARK EQUIPMENT & CONSTRUCTION INC., et al	DOCKET NO. <u>76-C-591</u> PAGE ____ OF ____ PAGES
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DATE	NR.	PROCEEDINGS
5-31-79	55.	ORDER overruling mots S/J by Concordia Development Co. Inc. and deft-garnishee Hartford Ins. Group. (HDC-J)g c/mld
10-18	MO:	CASE SET for PT Hrg. 12-21-79 at 12:00 noon; Disc. to be complete by 12-11; PTO or memo to be filed by 12-14. (HDC-J)hm
12-11	56.	PRE-TRIAL MEMORANDUM. rm
12-21	MO:	PRE-TRIAL HEARING. Pltf. directed to file PTO by 1-11-80. CASE SET FOR NON-JURY TRIAL 2-6-80 at 9:30 a.m. Parties to exchange & mark all exhibits, & provide Clerk w/list of same prior to trial. (ETT: 1/2 to 1 day)(HDC-J)hm
2-6-80	MO:	NON-JURY TRIAL. Pltf. & Garnishee present case in chief w/test. of witnesses & introduction of exhibits. Pltf. presents rebuttal evid. w/test. of witness. Parties rest. Court makes findings & rules in favor of garnishee & against pltf. Counsel for garnishee to prepare formal order. (HDC-J)hm
2-6	--	EXHIBITS from trial. (with file)hm
2-11	--	REPORTERS PARTIAL TRANSCRIPT of proceedings had on 2-6-80, (Ruling of the Court) re: Nonjury trial before Judge Cook. (TGB-RPR)ho 6 pgs.
2-19	57	ORDER, It is ordered that judgment be entered in favor of garnishee, The Hartford Ins. Group, against the Pltf. Concordia Dev. Co. Inc. a subsidiary of Trammel Crow-Agri Co. (HDC-J)ho c/m
2-19	58	JUDGMENT, entered, It is ordered that Judgment be entered in this action in favor of garnishee & against the Pltf. (HDC-J)ho c/m
7-11	--	EXHIBITS returned to parties. hm

CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF	DEFENDANT	DOCKET NO. _____ PAGE ____ OF ____ PAGES
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DATE	NR.	PROCEEDINGS
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